

CC: ACK

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ORIGINAL

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

OCT 27 2006

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KG MAUI DEVELOPMENT, LLC,  
MILILANI GOLF CLUB, LLC,  
QK HOTEL, LLC, OR HOTEL, LLC,  
AND KG HOLDINGS, LLC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD., a  
Japanese corporation,

Plaintiff,

vs.

QK HOTEL, LLC, a Hawai'i limited  
liability company; KG HOLDINGS,

CV 04-00124 ACK-BMK

CONSOLIDATED CASES

**NOTICE OF APPEAL;  
REPRESENTATION  
STATEMENT;  
CERTIFICATE OF SERVICE**

LLC, a Hawai'i limited liability company  
and FRANKLIN K. MUKAI,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO., LTD., a  
Delaware corporation; SPORTS SHINKO  
(HAWAII) CO., LTD., a Hawai'i  
corporation; SPORTS SHINKO  
(MILILANI) CO., LTD., a Hawai'i  
corporation; SPORTS SHINKO (KAUAI)  
CO., LTD., a Hawai'i corporation;  
SPORTS SHINKO (PUKALANI) CO.,  
LTD., a Hawai'i corporation; SPORTS  
SHINKO RESORT HOTEL  
CORPORATION, a Hawai'i corporation;  
SPORTS SHINKO (WAIKIKI)  
CORPORATION, a Hawai'i corporation;  
and OCEAN RESORT HOTEL  
CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO.,  
LTD., a Hawai'i corporation; SPORTS  
SHINKO RESORT HOTEL  
CORPORATION, a Hawai'i corporation;  
and SPORTS SHINKO (WAIKIKI)  
CORPORATION, a Hawai'i corporation,

Third-Party Defendants /  
Counterclaimants,

vs.

QK HOTEL, LLC, a Hawai'i limited  
liability company; KG HOLDINGS,  
LLC, a Hawai'i limited liability company;  
and FRANKLIN K. MUKAI,

Third-Party Counterclaim  
Defendants.

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SPORTS SHINKO (USA) CO., LTD., a  
Delaware corporation,

Plaintiff,

vs.

PUKALANI GOLF CLUB, LLC, a  
Hawai'i limited liability company; KG  
MAUI DEVELOPMENT, LLC, a  
Hawai'i limited liability company; KG  
HOLDINGS, LLC, a Hawai'i limited  
liability company; and FRANKLIN K.  
MUKAI,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

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SPORTS SHINKO CO., LTD., a Japanese corporation; SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (MILILANI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (KAUAI) CO., LTD, a Hawai'i corporation; SPORTS SHINKO (PUKALANI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation; and OCEAN RESORT HOTEL CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO CO., LTD., a Japanese corporation; SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; and SPORTS SHINKO (PUKALANI) CO., LTD., a Hawai'i corporation,

Third-Party Defendants /  
Counterclaimants,

vs.

PUKALANI GOLF CLUB, LLC, a Hawai'i limited liability company; KG MAUI DEVELOPMENT, LLC, a Hawai'i limited liability company; KG HOLDINGS, LLC, a Hawai'i limited liability company; and FRANKLIN K. MUKAI,

Third-Party Counterclaim  
Defendants.

SPORTS SHINKO (USA) CO., LTD.,  
a Delaware corporation,

Plaintiff,

vs.

KIAHUNA GOLF CLUB, LLC, a  
Hawai'i limited liability company; KG  
KAUAI DEVELOPMENT, LLC, a  
Hawai'i limited liability company;  
PUKALANI GOLF CLUB, LLC, a  
Hawai'i limited liability company; KG  
MAUI DEVELOPMENT, LLC, a  
Hawai'i limited liability company;  
MILILANI GOLF CLUB, LLC, a  
Hawai'i limited liability company; QK  
HOTEL, LLC, a Hawai'i limited  
liability company, OR HOTEL, LLC, a  
Hawai'i limited liability company; KG  
HOLDINGS, LLC, a Hawai'i limited  
liability company; and FRANKLIN K.  
MUKAI,

Defendants,

and

FRANKLIN K. MUKAI

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a  
Japanese corporation; SPORTS  
SHINKO (HAWAII) CO., LTD., a

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Hawai'i corporation; SPORTS SHINKO (MILILANI) CO., LTD, a Hawai'i corporation; SPORTS SHINKO (KAUAI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (PUKALANI) CO., LTD., a Hawai'i corporation, SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation; and OCEAN RESORT HOTEL CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation and SPORTS SHINKO (KAUAI) CO., LTD., a Hawai'i corporation,

Third-Party Defendants /  
Counterclaimants,

vs.

KIAHUNA GOLF CLUB, LLC, a Hawaii limited liability company; KG KAUAI DEVELOPMENT, LLC, a Hawai'i limited liability company; PUKALANI GOLF CLUB, LLC, a Hawai'i limited liability company; KG MAUI DEVELOPMENT, LLC, a Hawai'i limited liability company; QK HOTEL, LLC, a Hawai'i limited liability company; OR HOTEL, LLC, a Hawai'i limited liability company; KG

HOLDINGS, LLC, a Hawai'i limited liability company; and FRANKLIN K. MUKAI,

Third-Party Counterclaim  
Defendants.

SPORTS SHINKO CO., LTD., a  
Japanese corporation,

Plaintiff,

vs.

OR HOTEL, LLC, a Hawai'i limited liability company; KG HOLDINGS, LLC, a Hawai'i limited liability company; and FRANKLIN K. MUKAI,

Defendants,

and

FRANKLIN K. MUKAI

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO., LTD., a Delaware corporation; SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (MILILANI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (KAUAI) CO., LTD., a Hawai'i corporation; SPORTS SHINKO (PUKALANI) CO., LTD., a

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Hawai'i corporation; SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation; and OCEAN RESORT HOTEL CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO., LTD., a Hawai'i corporation; SPORTS SHINKO RESORT HOTEL CORPORATION, a Hawai'i corporation; and SPORTS SHINKO (WAIKIKI) CORPORATION, a Hawai'i corporation,

Third-Party Defendants /  
Counterclaimants,

vs.

OR HOTEL, LLC, a Hawai'i limited liability company; KG HOLDINGS, LLC, a Hawai'i limited liability company; and FRANKLIN K. MUKAI,

Third-Party Counterclaim  
Defendants.

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SPORTS SHINKO (USA) CO., LTD., a  
Delaware corporation,

Plaintiff,

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vs.

MILILANI GOLF CLUB, LLC, a  
Hawai'i limited liability company; KG  
HOLDINGS, LLC, a Hawai'i limited  
liability company; and FRANKLIN K.  
MUKAI,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a  
Japanese corporation; SPORTS SHINKO  
HAWAII) CO., LTD., a Hawai'i  
corporation; SPORTS SHINKO  
(MILILANI) CO., LTD., a Hawai'i  
corporation; SPORTS SHINKO (KAUAI)  
CO., LTD., a Hawai'i corporation;  
SPORTS SHINKO (PUKALANI) CO.,  
LTD., a Hawai'i corporation; SPORTS  
SHINKO RESORT HOTEL  
CORPORATION, a Hawai'i corporation;  
SPORTS SHINKO (WAIKIKI)  
CORPORATION, a Hawai'i corporation;  
and OCEAN RESORT HOTEL  
CORPORATION, a Hawai'i corporation,

Third-Party Defendants,

and

SPORTS SHINKO (HAWAII) CO.,  
LTD., a Hawai'i corporation and

SPORTS SHINKO (MILILANI) CO.,  
LTD., a Hawai'i corporation,

Third-Party Defendants /  
Counterclaimants,

vs.

MILILANI GOLF CLUB, LLC, a  
Hawai'i limited liability company; KG  
HOLDINGS, LLC, a Hawai'i limited  
liability company, and FRANKLIN K.  
MUKAI,

Third-Party Counterclaim  
Defendants.

**NOTICE OF APPEAL**

Notice is hereby given that PUKALANI GOLF CLUB, LLC, KG MAUI, DEVELOPMENT, LLC, and KG HOLDINGS, LLC, certain Defendants in the above-captioned consolidated case, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the "Order Denying Motion to Expunge Lis Pendens" entered in this action on September 28, 2006.

DATED: Honolulu, Hawaii, October 27, 2006.

PRICE OKAMOTO HIMENO & LUM

By: 

Warren Price III  
Robert A. Marks

- and -

GELBER, GELBER, INGERSOLL &  
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Simon Klevansky  
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PUKALANI GOLF CLUB, LLC,  
KG MAUI DEVELOPMENT, LLC,  
MILILANI GOLF CLUB, LLC,  
QK HOTEL, LLC, OR HOTEL, LLC,  
AND KG HOLDINGS, LLC

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NOTICE OF APPEAL

Sports Shinko Co., Ltd., v. QK Hotel, LLC, et al., Civil No. CV04-00124 ACK/BMK, etc. (Consolidated Cases), United States District Court, District of Hawaii